HIGH COURT OF UTTARANCHAL AT NAINITAL

Crl. Writ Petition no. 932 (M/B) 2006

1. Rakesh Dhiman S/o Chander Bhan,
   Resident of Purani Tehsil, Roorkee,
   Tehsil-Roorkee, Haridwar,
2. Dr. Tejpal S/o Raj Singh,
   Resident of Purani Tehsil, Roorkee,
   Tehsil-Roorkee, Haridwar, ---Petitioners.

Versus

1. The State of Uttaranchal through (S.H.O.),
   Police Station Gangnahar, Tehsil Roorkee,
   District Haridwar,
2. Satish Kumar S/o Roop Chandra,
   Resident of Purani Tehsil, Roorkee,
   Tehsil-Roorkee, Haridwar, ---Respondents.

Mr. B.S. Sharma, learned counsel for the petitioners
Sri D.K. Sharma, Govt. Advocate for the respondent no. 1,
None for respondent no.2.

Coram: Hon'ble M.M. Ghildiyal, J.
Hon'ble B.S. Verma, J.

P.C.:-

Heard Sri B.S. Sharma, learned counsel for the petitioners and Sri D.K. Sharma, learned Govt. Advocate for the State.

By the present writ petition, the petitioners, namely, Rakesh Dhiman and Dr. Tejpal have prayed for quashing of the First Information Report dated 27.07.2006, lodged at police station Gangnehar, Roorkee district Haridwar as Crime no. 189/2006 u/s 147,427 IPC.

This is well settled law that extra ordinary power under Article 226 of Constitution of India for quashing of F.I.R. should be exercised sparingly and with circumspection. Power to interfere at the investigation stage should be exercise very cautiously and in the rarest of rear cases. Writ for quashing the

F.I.R. may be entertained where the information is so bereft of even the basis facts, which are necessary for making out the offence. This Court even cannot judge the probabilities genuiness and reliabilities of the allegations made in the F.I.R. From perusal of the record, it reveals that the name of the petitioner is there. We are of the opinion that the investigation is still hazy and incomplete. The facts of the case do not warrant any interference from this Court at this stage as a prima-facie case is made out from the F.I.R.

The petition lacks merit and as such is dismissed in limine. However, if the petitioner surrenders before the concerned Magistrate, the concerned Magistrate shall dispose of the bail application of the petitioner, if moved, as expeditiously as possible

(B.S. Verma, J.) **(M.M. Ghildiyal, J.)**

August 5, 2006:
NCM: